IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7156 OF 2003

Mohan Khode & Others..... .... Petitioners.

Versus

The Charity Commissioner & Ors.... Respondents.

Mr. Y. R. Shah for the Petitioners.

None for the Respondents.

CORAM : S. A. BOBDE, J.

DATED : FEBRUARY 22, 2005.

P.C.:

The petitioners, who are beneficiaries of the respondent No.3 Trust, have challenged the order dated 27th May, 2002 by which the Charity Commissioner has directed an increase in the rate of the plots to be leased out from Rs.20/- per sq.ft. to Rs.40/- per sq.ft. The plots are to be leased out to its members.

2. Earlier an order dated 13th July, 1992 was passed permitting Trust to lease out 90 plots. Thereafter the Trust applied for permission to lease out 134 plots. It is while authorising the Trust to lease out 134 plots instead of 90 plots that the Charity

Commissioner has increased the rate which was earlier fixed at Rs.20/- per sq.ft.

3. Learned Counsel for the petitioners contended that this should not have been done since the amounts are received from some of the petitioners at the rate of Rs.20/- per sq.ft. However, the petitioners have not been able to produce or show any allotment order or a concluded lease in their favour. In these circumstances, having regard to the fact that the rate has been increased due to substantial increase in the price of real estate and that in any case the increase in the premium or the lease shall go to the corpus of the Trust, there is no error of law apparent on the face of the order which warrants interference under Article 227 of the Constitution of India. Writ petition is hereby dismissed.

Sd/-

S. A. BOBDE, J.